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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,345	10/21/2003	Ian Stuart Boxall	DYOUNP0260US	6646

23908 7590 12/18/2006
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EXAMINER

KIM, SUN U

ART UNIT	PAPER NUMBER
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1723

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/691,345

Applicant(s)

BOXALL, IAN STUART

Examiner

John Kim

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-9 and 28-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-9 and 28-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 1723

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-9 and 28-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Whitlock et al (US Patent No. 5,545,242) in view of Galaj et al (US Patent No. 5,059,366).

Whitlock et al teach a method of manufacturing a metallic filtration material comprising the steps of (a) forming a metallic filtration media from metal fibres, metal powder, metal wires, woven metal mesh or any combination thereof (col. 3, lines 21-37) wherein filter element is used for filtering gases used in semiconductor manufacture and made of low outgassing, bakeable and corrosion resistant material. Claims 1 and 28-32 essentially differ from the method of Whitlock et al in reciting the step of applying a protective coating to the metallic filtration media by either chemical vapor deposition or physical vapor deposition. Galaj et al teach a method of providing a protective coating to a metallic filter by vapor phase deposition (abstract; col. 2, lines 47-61; col. 3, lines 4-43; col. 3, line 64 – col. 4, line 2). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply a protective coating to the metallic filtration media of Whitlock et al as corrosion resistant film to protect the metallic filtration media as suggested by Galaj et al (col. 3, lines 4-8).

Regarding claims 3-5, 33 and 38-39, Whitlock et al teach that the metal filter medium is sandwiched between and bisintered to two layers of coarse woven wire mesh which provide support to the upstream and downstream sides of the filter medium (col. 3, lines 31-37).

Art Unit: 1723

Regarding claims 34-37, Whitlock et al teach a metallic filtration media including metal fibres, metal powder, metal wires, woven metal mesh or any combination thereof (col. 3, lines 21-37).

Regarding claims 6 and 40, Galaj et al disclose that all of the layers of the filtration media including support structure are coated (col. 8, lines 54-59) and further teaches that the filtration media is provided with the supporting structure before the protective coating is applied to the filtration media (col. 8, lines 6-23). The claimed step of providing filtration media with the supporting structure after the protective coating is applied to media would have been obvious to a person of ordinary skill in the art in the absence of new or unexpected results. See *In re Burhans*, 154 F.2d 690, 69 USPQ 330 (CCPA 1946) (section of any order of performing process steps is *prima facie* obvious in the absence of new or unexpected results).

Regarding claims 7 and 41, Galaj et al disclose that the filtration media is provided with the supporting structure before the protective coating is applied to the filtration media (col. 8, lines 6-23).

Regarding claims 8 and 42, Galaj et al disclose a step of applying the protective coating to the supporting structure (col. 8, lines 6-23).

Regarding claims 9 and 43, Galaj et al disclose that the filtration media and the supporting structure are provided with the protective coating in the same application process (col. 8, lines 6-23).

3. Applicant's arguments with respect to claims 1, 3-9 and 28-43 have been considered but are moot in view of the new ground(s) of rejection. Whitlock et al in view of Galaj et al teach the claimed invention.

Art Unit: 1723

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References cited in PTO-892 teach or suggest metallic filtration media coated with a protective layer. US Patent No. 4,196,233 teaches coating metallic substrate with protective coating of carbides, nitrides or carbonnitrides.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kim whose telephone number is 571-272-1142. The examiner can normally be reached on Monday-Friday 7 a.m. - 3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1723

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Kim

Primary Examiner

Art Unit 1723

JK

December 14, 2006